THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 883 of 2007

Date:07-06-2007

Between:

Rudrapati Ragapa Naidu ..
PETITIONER

AND

The S.H.O., Rural P.S., Nellore
..
RESPONDENT

ORDER:

The petitioner seeks a writ of mandamus to direct the respondent to register the crime basing on the complaint filed by the petitioner and to investigate the same.

It is the complaint of the petitioner that pursuant to his written intimation about the commission of cognizable offence by the accused persons namely Kongara Penchala Swamy, Kongara Penchaliah etc., a case in Crime No.289 of 2005 was registered for the offences under Sections 341, 324, 506, r/w Section 34 I.P.C., but the investigation has not been completed. It is further stated that the petitioner has made a representation on 21.11.2006 before the Superintendent of Police, Nellore alleging that Madhara Sudhaiah, Mandhara Mugaiah, Mandhara Kistaiah and M.Devasena threatened him not to attend the Court and abused him and beat him. It is stated that no action has been taken on the said representation.

A counter has been filed by the respondent stating that based on the complaint a case in Crime No.289 of 2005 has been registered for the offences punishable under Sections 341, 324, 506 r/w 34 IPC by the Rural Police Station, Nellore and after investigation it was proved to be false and it was closed as false after obtaining permission from the Sub-Divisional Police Officer, Nellore Rural, dated 31.05.2006. It is further stated that the representation filed by the petitioner on 21.11.2006 was forwarded by the Superintendent of Police to the Circle Inspector of Police, Nellore to conduct enquiry and take necessary action. Accordingly, an enquiry was conducted by the Sub-Inspector of Police, Nellore and filed a report before the Superintendent of Police stating that no such incident took place and that the petitioner is in the habit of sending petitions with false allegations with a view to get the civil cases settled.

It is stated that a civil case is pending.

As the final report is said to have been filed referring the case as false, it is open for the petitioner to file a protest petition for taking appropriate action. However, no direction can be issued to the respondent by way of writ of mandamus.

Accordingly, the writ petition is dismissed. No costs.

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V.ESWARAIAH, J.

Date:07.06.2007
ccm